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09/668,213	09/22/2000	Ynjiun P. Wang	A-68940-5/DCA	9838

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EXAMINER

SHERR, CRISTINA O

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/668,213	WANG ET AL.
Examiner	Art Unit	
Cristina O Sherr	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 March 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) 5,6,12 and 17 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4,7-11,13-16 and 18-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

1. This action is in response to Applicant's Amendment received 3 March 2002.

Claims 5, 6, 12 and 17 have been canceled. Claims 1 – 4, 7-11, 13-14 and 18 have been amended. Claims 1-4, 7-11, 13-16 and 18-26 are pending in this case.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 7-11, 13-16 and 18-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen (US 6,422,462B1).

5. Regarding claim 1 –

Cohen discloses a method for pushing a transaction request from an remote electronic transaction system running an Agent to a portable electronic authorization device carried by a user for an electronic confirmation, comprising steps of pushing a transaction request from Agent running at said an remote electronic transaction system triggered by a pre-determined event; receiving at the portable electronic authorization

device first digital data representing the transaction request; providing information to the user regarding an ability to approve or modify the transaction request; and when the transaction request is approved by the user, receiving at the electronic transaction system second digital data representing the electronic confirmation of the transaction request; and wherein the receiving step is performed via a wireless communication port associated with the portable electronic authorization device (Col 1 ln 45 – col 2 ln 23).

6. Regarding claim 2 –

Cohen discloses the method of claim 1, wherein the pre-determined event is at least one of the stock prices rises above a pre-determined percentage and the stock price falls below a pre-determined percentage (Col 1 ln 45 – col 2 ln 23).

7. Regarding claim3 –

Cohen discloses the method of claim 1, wherein the pre-determined event is the auction-bidding price rises above user-defined price (Col 1 ln 45 – col 2 ln 23).

8. Regarding claim 4 –

Cohen discloses the method of claim 1, wherein the pre-determined event is upon received a delivery (Col 1 ln 45 – col 2 ln 23).

9. Claims 7 - 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen (US 6,422,462B1).

10. Regarding claim 7 –

Cohen discloses a portable electronic authorization device for approving a transaction request from a point-of-sale system, comprising a transceiver in the portable electronic authorization device configured to receive first digital data representing the transaction

request; a display configured to provide information to the user regarding an ability to approve or modify the transaction request; and a scanner configured to scan at least one of bar-code or OCR information; wherein the transceiver is further configured such that when the transaction request is approved by the user, the transceiver is configured to transmit second digital data representing the electronic confirmation of the transaction request (Col 1 In 45 – col 2 In 23).

11. Regarding claim 8 –

Cohen discloses the portable electronic authorization device of claim 7, wherein the scanner is configured to scan in the barcode information to establish the communication link between the portable electronic authorization device and a Point-of-Sale terminal (Col 1 In 45 – col 2 In 23).

12. Regarding claim 9 –

Cohen discloses the portable electronic authorization device of claim 7, wherein: the scanner is at least one of a barcode or an OCR scanner (Col 1 In 45 – col 2 In 23).

13. Regarding claim 10 –

Cohen discloses the portable electronic authorization device of claim 7, wherein: the transceiver is at least one of an infrared, a Bluetooth or a wireless receiver (Col 1 In 45 – col 2 In 23).

14. Regarding claim 11 –

Cohen discloses the portable electronic authorization device of claim 8, wherein: the scanner is configured to scan in barcode product information for self-checkout (Col 1 In 45 – col 2 In 23).

15. Claims 13 - 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen (US 6,422,462B1).

16. Regarding claim 13 –

Cohen discloses a method for xAgent automatic ordering from a remote merchant server using a portable electronic authorization device carried by a user, comprising the steps of entering product information at the portable electronic authorization device; accumulating the product information by an xAgent running on the portable electronic authorization device; triggering xAgent automatic ordering upon user pre-defined event; receiving at the portable electronic authorization device a first digital data representing the transaction request; providing information to the user regarding an ability to approve the transaction request; when the transaction request is approved by the user, encrypting transaction approval data as second digital data representing approval by the user to purchase the item; and transmitting the second digital data to the electronic transaction system to approve the transaction request with the electronic transaction system (Col 1 ln 45 – col 2 ln 23).

17. Regarding claim 14 –

Cohen discloses the method of claim 13, wherein the user pre-defined event can be at least one of a total order exceeding a pre-defined amount of dollars, an end of a week occurring wherein the xAgent places orders accumulated during the week, and a bargaining price set by the user being found (Col 1 ln 45 – col 2 ln 23).

18. Regarding claim 15 –

Cohen discloses the method of claim 13, wherein the step of entering the product information includes using the keypad of the portable electronic authorization device to enter at least one of a product code, product name, manufacturing number, and quantity (Col 1 In 45 – col 2 In 23).

19. Regarding claim 16 –

Cohen discloses the method of claim 13, wherein the step of entering the product information includes using a scanner in the portable electronic authorization device to scan at least one of a product code, product name, manufacturing number, and quantity (Col 1 In 45 – col 2 In 23).

20. Claims 18 - 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen (US 6,422,462B1).

21. Regarding claim 18 –

Cohen discloses a method for self-checkout between an electronic point of sale transaction system and a portable electronic authorization device carried by a user, comprising the steps of entering product information at the portable electronic authorization device; establishing communication link between the electronic point of sale transaction terminal and the portable electronic authorization device; receiving at the portable electronic authorization device a first digital data representing the transaction request; providing information to the user regarding an ability to approve the transaction request; when the transaction request is approved by the user, encrypting transaction approval data as second digital data representing approval by the user to purchase the item; and transmitting the second digital data to the electronic

transaction system to approve the transaction request with the electronic transaction system; and printing a receipt at a remote printer (Col 1 ln 45 – col 2 ln 23).

22. Regarding claim 19 –

Cohen discloses the method of claim 18, wherein the step of encrypting the approval data is performed using a public key cryptography technique using at least a user's private key (Col 1 ln 45 – col 2 ln 23).

23. Regarding claim 20 –

Cohen discloses the method of claim 18, wherein: the step of entering the product information includes using a keypad of the portable electronic authorization device to enter at least one of a product code, product name, manufacturing number, and quantity (Col 1 ln 45 – col 2 ln 23).

24. Regarding claim 21 –

Cohen discloses the method of claim 18, wherein: the step of entering the product information includes using a scanner of the portable electronic authorization device to scan at least one of a product code, product name, manufacturing number, and quantity (Col 1 ln 45 – col 2 ln 23).

25. Regarding claim 22 –

Cohen discloses the method of claim 18, wherein the step of printing the receipt step includes establishing a connection between the portable electronic authorization device and the printer (Col 1 ln 45 – col 2 ln 23).

26. Regarding claim 23 –

Cohen discloses the method of claim 22, wherein the step of establishing a connection between the portable electronic authorization device and the printer is performed by entering printer identification information into the portable electronic authorization device (Col 1 In 45 – col 2 In 23).

27. Regarding claim 24 –

Cohen discloses the method of claim 22, wherein the step of establishing a connection between the portable electronic authorization device and the printer is performed by entering subscriber identification information into the printer (Col 1 In 45 – col 2 In 23).

28. Regarding claim 25 –

Cohen discloses the method of claim 22, wherein the step of establishing a connection between the portable electronic authorization device and the printer is via infrared (Col 1 In 45 – col 2 In 23).

29. Regarding claim 26 –

Cohen discloses the method of claim 22, wherein the step of establishing a connection between the portable electronic authorization device and the printer is via short range RF (Col 1 In 45 – col 2 In 23).

30. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.
32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.
33. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

May 16, 2003

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600